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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/649,788

Applicant(s)

WONG ET AL.

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-28, 32, 34, 35, 38, 41-55, 64-66 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-28, 32, 34, 35, 38, 41-55, 64-66 and 69-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 05/03/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-13, 15-28, 32, 34-35, 38, 41-55, 64-66, 69-71 have been considered but are moot in view of the new ground(s) of rejection.

Claims 14,29-31,33,36-37,39-40,56-63,67-68 and 72-76 have been canceled.

Claim Objections

3. Claims 1-13 are objected to because of the following informalities:

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Claim 1, lines 7,9,10, recites limitation "the token" should be replaced as – the associated token—

Claim 4, line 3, recites limitation "the token" should be replaced as –the associated token—

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the program" in line 2. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as best understood as program selected at client system.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13, 15-28, 32, 34-35, 38, 41-55, 64-66, 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2005/0028208- hereinafter referred to as E208) in view of Ellis et al. (US 6,898,762 – hereinafter referred to as E762) and Hirata (US 6,374,406).

Regarding claim 1, E208 teaches a system for facilitating providing services to a program provider (program guide distribution equipment 21 – figures 2a, 6c), program (received at the user television equipment) being at least one of a visual and/or audio program (paragraph 0069), comprising:

a token service system (internet service system 235, main facility, program guide server located at main facility – figures 1, 6c, paragraph 0073, lines 16-19) configured to provide services (met by program guide information- paragraphs 0067, 0103) to the program provider (21), and to provide token translation services (channel information, title, weather information, etc. – paragraphs 0067, 0084) to a client system configured to receive a message and tokens (user television equipment 22, configured to receive a message and program guide information from main facility, program guide server located at main facility, Internet service system, etc.–figures 2a, 6c and paragraphs 0069, 0073, 0099, 101-103), the token having program criteria (program channel, time, etc. paragraphs 0067, 101);

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wherein the client system is configured to program operation of an associated device based on the token (i.e., the user television equipment 22 is configured to program the recording device to record a selected program based on the recording command and program guide information) and wherein the token service system is further configured to receive the token for translation (e.g. program guide server receives information regarding program recording, favorite channel, ID of tuned channel, available device, etc. see include, but not limited to, paragraphs 0099-0101). However, E208 does not specifically disclose the token service system (comprises program guide server) is configured to store demographic information about a user associated with the client system; and the message having an associated token.

E762 discloses the program guide server stores user profile (figure 2a, col. 6, lines 9-20; col. 12, lines 40-41). The program guide server calculates user demographic value and uses them to more accurately target advertisements or recommend programs (col. 19, lines 25-33; col. 20, lines 26-30; col. 23, lines 54-60). Thus, the token service system (comprising program guide server) is inherently configured to store demographic information about the viewer associated with the client system so that the program guide server calculates the demographic value. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 with the teaching as taught by E762 in order to more accurately target advertisements or recommend programs (col. 19, lines 27-33) or to minimize the memory requirements of the user's television equipment and lessen the bandwidth requirements of the

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distribution network (col. 2, lines 20-30). However, E208 in view of E762 does not specifically disclose the message having an associated token.

Hirata teaches receiving a message having an associated token (receiving e-mail having video reservation information such as channel, speed, time, date – figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 in view of E762 to use the teaching of sending an associated token in the message as taught by Hirata in order to provide an alternative way to send control information in Internet medium or in order to reduce installation cost or change setting of the timer from the outside of the house easily (col. 1, lines 27-45).

Regarding claim 2, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 1. E208 further teaches the associated device is a recording device operative to record at least one of audio and visual programming (paragraph. 0101).

Regarding claim 3, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 2. E208 further teaches the recording device is a digital recording apparatus (paragraph. 0091).

Regarding claim 4, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 3. E208 further teaches a programmable program list is operatively associated with the digital recording apparatus, the

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program list including program criteria indicative of selected programming to be recorded based on the token (met by program guide is used for selecting a program to be recorded— see include, but not limited to, figures 7-8).

Regarding claim 5, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 1. Hirata further teaches the message is an electronic mail message (figures 3-4).

Regarding claim 6, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 5. Hirata further teaches the token (video recording reservation information) is an attachment to the electronic mail message (figures 3-4).

Regarding claim 7, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 5. Hirata further teaches the electronic mail message is received by the client system from a remote server system (transmission device – col. 2, lines 10-23).

Regarding claim 8, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 1. E208 further discloses the client system (22) accepts program guide information and recording request, and programs to record selected programming based on each accepted program guide data and recording request (par. 0081). Necessarily, the client system (22) includes

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computer executable instructions for automatically accepts tokens (program guide information and recording request) from a predetermined source (remote control 40 or user interface 52).

Alternatively, E762 discloses user television equipment receives program guide information (channel, program title, time, rate, etc.) based to the user profile, user preferences (col. 14, lines 40-65; col. 15, line 15-col. 16, line 60). Thus, the client system includes computer executable instruction for automatically accepting token from a predetermined source (e.g. source set by user).

Regarding claim 9, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 1. E208 further discloses the user selection of a program to be recorded is sent to storage device 31, 32, remote device for schedule the recording device to record the selected program (par. 0083- par. 0084). It is obvious that the program message including a token having program criteria selected at the client system (e.g. channel, time, title, etc.), the selected recipient system is met by selected storage device such as storage device 31, 32, storage at remote device so that the selected program in selected channel is stored in the desired storage device.

Regarding claim 10, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 9. It is obvious that the token of the program message has program criteria indicative of at least one of predetermined audio

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and visual programming selected at the client system (e.g. title, time, etc. of the selected program to be recorded-par. 0187) so that client system identifies and records the selected program.

Regarding claims 11-12, the additional limitations as claimed correspond to the additional limitations of claims 5-6, and are analyzed as discussed with respect to the rejection of claims 5-6.

Regarding claim 13, the additional limitations as claimed correspond to the additional limitations of claim 7, and are analyzed as discussed with respect to the rejection of claim 7.

Regarding claim 15, E208 teaches a system for facilitating providing services (program guide information and non-program guide information and video/television programming) to a broadcaster (interpreted as program guide distribution equipment 21), comprising:

a token service system to provide token services (met by Internet service system 235, program guide server that is not located at distribution equipment 21, PC 231 to provide program guide information such as program title, channel, airtime, etc. – see include, but not limited to, figures, 1, 6c, paragraphs 0069, 0073, lines 16-19, 0103); and communicate with a recording device programmed to receive electronic message and token (interpreted as storage devices 31,32, storage at remote device programmed to receive program guide information –

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figure 3, par. 0097-par. 0100; par. 0103-par. 0104, par. 0119), the token having program criteria indicative of at least one of selected audio and visual broadcast programming (the program guide information has program title, channel, category, etc. – paragraph 0067), the recording device being programmable to record the at least one of selected audio and visual broadcasting program based on the token (storage device is scheduled to record the selected program based on the information provided in the request –par. 0163-par. 0164); and the token service system to extract token information (e.g. program guide server extract program guide information – paragraphs 0073, 0099-0101). However, E208 does not specifically disclose the token service system (comprises program guide server) employ predictive filtering technique to estimate the size and/or demographics of a viewing audience to provide to the broadcaster; and the message having an associated token.

E762 discloses the program guide server stores user profile (figure 2a, col. 6, lines 9-20; col. 12, lines 40-41). The program guide server calculates user demographic value and used to more accurately target advertisements or recommend programs (col. 19, lines 25-33; col. 20, lines 26-30; col. 23, lines 54-60). The program guide server also filtering the program guide information before provide to the distribution equipment (21)- col. 2, lines 5-30, col. 6, lines 13-26). Thus, the token service system (comprising program guide server) is inherently employ predictive filtering technique to estimate the size (e.g. target advertisement or recommend program with high demand prediction) or demographics of a viewing audience (e.g. filtering based on calculated

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demographic value). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 with the teaching as taught by E762 in order to more accurately target advertisements or recommend programs (col. 19, lines 27-33) or to minimize the memory requirements of the user's television equipment and lessen the bandwidth requirements of the distribution network (col. 2, lines 20-30). However, E208 in view of E762 does not specifically disclose the message having an associated token.

Hirata teaches receiving a message having an associated token (receiving e-mail having video reservation information such as channel, speed, time, date – figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 in view of E762 to use the teaching of sending an associated token in the message as taught by Hirata in order to provide an alternative way to send control information in Internet medium or in order to reduce installation cost or change setting of the timer from the outside of the house easily (col. 1, lines 27-45).

Regarding claim 16, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 15. E208 further teaches a client device (set top box 28 or remote control 40, or remote access device –figures 2b, 3), which communicates, with the recording device (31, 32, storage 56– figures 3, 5) for programming operation of the recording device based on the program criteria of the token (see including, but are not limited to, par. 0081-par. 0084).

Regarding claim 17, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 16, E208 further teaches the client device (e.g. set top box 28, or remote access device, figures 3, 5) is programmed to program operation of the recording device in response to accepting the token at the client device (schedule program recording in response to accepting program recording request, and record the requested program when scheduled time is approached – see including, but are not limited to, par. 0163-par. 0164).

Regarding claim 18, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 17. Hirata further discloses the recording device has a programmable list-identifying broadcast programming (program selected to be record on a predetermined channel) to be recorded by the recording device (figures 10-11). Hirata further discloses recording reservation data previously set can be deleted based on the command character string (figure 8, col. 7, line 35-col. 8, line 58). It is obvious that the programmable list being modified based on the token being accepted at the client device and passed to the recording device to improve space utilization in storage device.

Regarding claim 19, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 16. E208 further teaches the broadcast programming identified by the token is broadcast at a predetermined time on a

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predetermined channel for a predetermined duration (see include, but not limited to, figures 7-8).

Regarding claim 20, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 16. E208 teaches the client device (e.g., set top box, remote controller, remote access device – figures 3, 5) is programmed to send a message to a selected recipient system (selected storage device - figures 3, 5). Hirata further teaches the message is an electronic mail message including the token having program criteria (e.g. time, channel, etc.) indicative of broadcast programming (figures 3-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 in view of E762 to use the teaching of sending an associated token in the message as taught by Hirata in order to provide an alternative way to send control information in Internet medium or in order to reduce installation cost or change setting of the timer from the outside of the house easily (col. 1, lines 27-45).

Regarding claim 21, the additional limitations as claimed correspond to the limitations of claim 13, and are analyzed as discussed with respect to the rejection of claim 13.

Regarding claim 22, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 15. E208 teaches a remote client device (40–

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figure 3 or remote access device 24- figures 2a. 5) programmed for sending an electronic mail message to the recording device (31, 32, 56– figures 3-6b) and a token indicative of the selected broadcast programming (par. 0081-par. 0085, par. 0099-par. 0100).

Regarding claims 23-24, the additional limitations as claimed correspond to the additional limitations of claims 3, 6 respectively, and are analyzed as discussed with respect to the rejection of claims 3, 6.

Regarding claim 25, E208 teaches a system for facilitating providing token services to a provider (interpreted as distribution equipment 21) of the broadcast program (figures 2a, 3), comprising:

- means (set top box) for receiving a message and token (program guide information), the token having program criteria indicative of a selected broadcast program (figures 3, 6 par. 0072, par. 0075, par. 0080);

- means (remote control access, Internet service system, program guide server – figures 2a, 6c) for monitoring the content of the token to provide token services (par. 0099 -par. 0103, par. 0132, par. 0136-par. 0138; par. 0119);

- means (Internet service provider 235, program guide server– figures 1, 2a 6c, paragraphs 0067, 0073, lines 16-19, 103) for providing token services to a provider of the broadcast program (providing program guide to distribution equipment 21). However, E208 does not specifically disclose the token services

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comprising sending an estimate of the size and/or demographics of a viewing audience to the provider; and the message having an associated token.

E762 discloses the program guide server stores user profile (figure 2a, col. 6, lines 9-20; col. 12, lines 40-41). The program guide server calculates user demographic value and used to more accurately target advertisements or recommend programs (col. 19, lines 25-33; col. 20, lines 26-30; col. 23, lines 54-60). The program guide server also filtering the program guide information before provide to the distribution equipment (21)- col. 2, lines 5-30, col. 6, lines 13-26). Thus, the token services (sent by program guide server) are inherently comprising sending an estimate of the size (e.g. target advertisement or recommend program with high demand prediction) or demographics of a viewing audience (e.g. filtering based on calculated demographic value) to the provider (distribution equipment 21) of the broadcast program based on the content of one or more tokens (e.g. only send content associated with token services set in user profile). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 with the teaching as taught by E762 in order to more accurately target advertisements or recommend programs (col. 19, lines 27-33) or to minimize the memory requirements of the user's television equipment and lessen the bandwidth requirements of the distribution network (col. 2, lines 20-30). However, E208 in view of E762 does not specifically disclose the message having an associated token.

Hirata teaches receiving a message having an associated token (receiving e-mail having video reservation information such as channel, speed, time, date –

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figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 in view of E762 to use the teaching of sending an associated token in the message as taught by Hirata in order to provide an alternative way to send control information in Internet medium or in order to reduce installation cost or change setting of the timer from the outside of the house easily (col. 1, lines 27-45).

Regarding claim 26, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 25. E208 further teaches the broadcast program correspond to at least one of audio and visual programming (figures 7-8,19).

Regarding claims 27-28, the additional limitations as claimed correspond to the additional limitations of claims 5-6, and are analyzed as discussed with respect to the rejection of claims 5-6.

Regarding claim 32, E208 discloses a method for facilitating providing services to a content provider (distribution equipment 21 –figure 2), the method comprising:

receiving a message and token indicative of program criteria (receiving message and program guide information includes message information, reminder information, schedule recording information, listing information, etc. –paragraphs 0067. 0103);

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E208 further discloses processing circuitry in set top box 28 formats the received video, audio and data signals into a digital file format (par. 0084-par. 0086). The remote access device/program guide server further polls the user equipment device for information such as channel tune, title of program received, device available, etc. and provide the program guide information to user television equipment (see including, but are not limited to, par. 132, par. 136-139). Necessarily, the token is translated and the token translation is monitored to provide token services to the content provider so that desired channel, program title, etc. is selected according to user selections.

E208 also discloses providing services to the content provider based on the token (providing services such as reminding, recording, program title, channel, etc. based on program guide information to the distribution equipment 21— see including, but are not limited to, figures 2a, 6c, 19; par. 0101, par. 0163-par. 0164). However, E208 does not specifically disclose the token services comprising sending an estimate of the size and/or demographics of a viewing audience to the provider; and the message having an associated token.

E762 discloses the program guide server stores user profile (figure 2a, col. 6, lines 9-20; col. 12, lines 40-41). The program guide server calculates user demographic value and used to more accurately target advertisements or recommend programs (col. 19, lines 25-33; col. 20, lines 26-30; col. 23, lines 54-60). The program guide server also filtering the program guide information before provide to the distribution equipment (21)- col. 2, lines 5-30, col. 6, lines 13-26). Thus, the token services (sent by program guide server) are inherently

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comprising sending an estimate of the size (e.g. target advertisement or recommend program with high demand prediction) or demographics of a viewing audience (e.g. filtering based on calculated demographic value) to the provider (distribution equipment 21) of the broadcast program based on the content of one or more tokens (e.g. only send content associated with token services set in user profile). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 with the teaching as taught by E762 in order to more accurately target advertisements or recommend programs (col. 19, lines 27-33) or to minimize the memory requirements of the user's television equipment and lessen the bandwidth requirements of the distribution network (col. 2, lines 20-30). However, E208 in view of E762 does not specifically disclose the message having an associated token.

Hirata teaches receiving a message having an associated token (receiving e-mail having video reservation information such as channel, speed, time, date – figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 in view of E762 to use the teaching of sending an associated token in the message as taught by Hirata in order to provide an alternative way to send control information in Internet medium or in order to reduce installation cost or change setting of the timer from the outside of the house easily (col. 1, lines 27-45).

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Regarding claims 34-35, the additional limitations as claimed correspond to the additional limitations as claimed in claims 26, 19, and are analyzed with respect to the rejection of claims 26 and 19.

Regarding claim 38, the additional limitations as claimed correspond to the additional limitations as claimed in claim 5, and are analyzed as discussed with respect to the rejection of claim 5.

Regarding claim 41, E208 teaches a system to facilitate providing services to a provider (interpreted as providing program guide information and services to distribution equipment 21 – figure 2), comprising:

a token service system to provide services to the program provider (met by Internet service system 235, program guide server that is not located at distribution equipment 21, PC 231 to provide program guide information such as program title, channel, airtime, etc. to distribution equipment 21– see include, but not limited to, figures, 1, 6c, paragraphs 0069, 0073, lines 16-19, 0103);

the token service system configured to communicate with a client device programmed to receive a message and token from a remote computer system (interpreted as Internet service system, program guide server, etc. configured to communicate with set top box, storage devices 31,32, programmed to receive program guide information from program guide server, internet service system, or remote access device– see include, but not limited to, figure 3, par. 0097-par. 0100; par. 0103-par. 0104, par. 0119), the token represents at least one of

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selected audio and visual broadcast programming (the program guide information has program title, channel, category, etc. – paragraph 0067),

wherein the token is translated into a suitable format for programming a recording system to record the program at least one of the audio and visual program (interpreted as the selected program information guide is used to set a storage device to record a selected program – see include, but not limited to, par. 0072, par. 0084-par. 0087 – figure 19). It is obvious that the token translation is monitored by the token service system to facilitate providing information of the selected program to the distribution equipment 21 so that the user desired program is selected and recorded as scheduled – figures 19, par. 0019, par. 0099-par. 0103; par. 0132; par. 0163-0164). However, E208 does not specifically disclose providing information about the size of a program's viewing audience to the program provider, and the message having an associated token.

E762 discloses the program guide server stores user profile (figure 2a, col. 6, lines 9-20; col. 12, lines 40-41). The program guide server calculates user demographic value and used to more accurately target advertisements or recommend programs (col. 19, lines 25-33; col. 20, lines 26-30; col. 23, lines 54-60). The program guide server also filtering the program guide information before provide to the distribution equipment (21)- col. 2, lines 5-30, col. 6, lines 13-26), automatically record programs according to preference profiles (see col. 17, lines 54-65; col. 20, lines 17-31, col. 21, lines 30-39). Thus, the token service system (comprising program guide server) is inherently providing information about the size of a program's viewing audience to the program provider (interpreted as

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target advertisement or recommend program with high demand prediction/or providing information of user favorite programs, user selected program, etc. to the distribution equipment 21 so the distribution 21 could select the favorite program/selected program for recording). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 with the teaching as taught by E762 in order to more accurately target advertisements or recommend programs (col. 19, lines 27-33). However, E208 in view of E762 does not specifically disclose the message having an associated token.

Hirata teaches receiving a message having an associated token (receiving e-mail having video reservation information such as channel, speed, time, date – figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 in view of E762 to use the teaching of sending an associated token in the message as taught by Hirata in order to provide an alternative way to send control information in Internet medium or in order to reduce installation cost or change setting of the timer from the outside of the house easily (col. 1, lines 27-45).

Regarding claim 42, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 41. E208 further teaches the suitable format of the token includes data indicative of at least two of time, date, and channel for the corresponding program in a local tuning space (channel, storage device) associated with the client (figures 10-11).

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Regarding claim 43, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 41. E208 further teaches the token is translated into the suitable format in response to the receiving the token at the client system (par. 0084).

Regarding claim 44, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 41. E208 further the user enters password to access some program such as pay per view (par. 0018, par. 0024) reads on the claimed feature of "the token includes authentication data, the token being translated into the suitable format upon authentication of the token at the client system."

Regarding claim 45, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 44. E208 further discloses program guide distribution equipment 21 may include, for example, suitable transmission hardware for distributing program guide data on a television channel sideband, in the vertical blanking interval of television channel, using an in band digital channel, using an out of band digital signal, or any other suitable data transmission technique (par. 0069). Communication paths 20 and paths 19 may be any suitable wired or wireless communications paths (par. 0076). It is obvious that a "local translator system" is included at the client system for translate the token (program guide information contain in recording request) into the suitable

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format so that the selected program is stored in storage device at the client system.

Regarding claim 46, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 44. E208 further teaches a translator system located at a remote server (e.g. Internet service system/remote access device), the client system providing a token translation request to the translator system for translating the token into the suitable format (par. 0093, par. 0096, par. 0099-par. 0102).

Regarding claim 47, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 41. E208 further teaches the token includes a plurality of tokens, each token representing a segment of the corresponding programs (interpreted as program guide information includes program times, channels, titles, description, the title represents the title of the corresponding program – figure 8).

Regarding claim 48, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 47. E208 further discloses the program guide information comprises program listing data such as program times, titles, channels, description (figure 8). The program listing data is received and displayed on the screen as program guide display screens wherein the program guide information is organized in a predetermined order (figure 8). Necessarily,

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the client system programmed to dynamically combined selected segments (title, channel, time) of the corresponding program in a predetermined order so that the program guide is organized in categories and displayed in row/column in response to user selection of different categories (also see E762, figures 5-8c).

Regarding claim 49, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 41. E208 further discloses the client system is further programmed to dynamically insert at least one of a plurality of other program segments (i.e., pop up window or message) between adjacent pairs of the selected segments of the corresponding program (i.e., segments of program being displayed on the screen) – see par. 0118)

Regarding claim 50, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 41. Hirata further teaches the token is an email message, the token being operatively associated with the email message (figures 10-11).

Regarding claim 51, the additional limitation as claimed correspond to the additional limitation of claim 6, and are analyzed as discussed with respect to the rejection of claim 6.

Regarding claim 52, E208 teaches a system to facilitate programming of an associated recording system, comprising:

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a client system (22 – figures 6a-6c) programmed to obtain a message and token (program guide information) from a remote computer system (12, 24, 25, 231, 235 – figures 1, 6a-6c), and the token having program criteria presenting different program segments of a the audio and/or visual program and information relating to a user (program guide information having episode/program titles, times, channels, descriptions, parental control, user favorite program, etc. representing television program and user who select program, set parental control, etc. see include, but not limited to, figures 7-11, paragraph 0103;

wherein the client system is further configured to connect to a server to request that the plurality of tokens be translated, the server configured to translate the plurality of tokens, send programming data to the client system based on the plurality of tokens (interpreted as the user television equipment configured to connect to distribution equipment, program guide server, Internet system, etc. to request the distribution equipment to provide program guide information, the distribution equipment processes program guide information and provide them to user equipment, the distribution equipment also provide television program to the user equipment based on the program guide information selected by the user – see include, but not limited to, figures 1, 2b, 7-11, 19, paragraphs 0069, 0103).

E208 further discloses the program guide information (e.g. information of programs to be broadcast in the future) is provided to the user television equipment prior to the broadcast time of the program (see include, but not limited to, figures 8-10). However, E208 does not specifically disclose the server

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(comprises program guide server) employ predictive filtering technique to estimate the size and/or demographics of a viewing audience to provide to the broadcaster; and the message having an associated token.

E762 discloses the program guide server stores user profile (figure 2a, col. 6, lines 9-20; col. 12, lines 40-41). The program guide server calculates user demographic value and used to more accurately target advertisements or recommend programs (col. 19, lines 25-33; col. 20, lines 26-30; col. 23, lines 54-60). The program guide server also filtering the program guide information before provide to the distribution equipment (21)- col. 2, lines 5-30, col. 6, lines 13-26). Thus, the token service system (comprising program guide server) is inherently employ predictive filtering technique to estimate the size (e.g. target advertisement or recommend program with high demand prediction) or demographics of a viewing audience (e.g. filtering based on calculated demographic value). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 with the teaching as taught by E762 in order to more accurately target advertisements or recommend programs (col. 19, lines 27-33) or to minimize the memory requirements of the user's television equipment and lessen the bandwidth requirements of the distribution network (col. 2, lines 20-30). However, E208 in view of E762 does not specifically disclose the message having an associated token.

Hirata teaches receiving a message having an associated token (receiving e-mail having video reservation information such as channel, speed, time, date –

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figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 in view of E762 to use the teaching of sending an associated token in the message as taught by Hirata in order to provide an alternative way to send control information in Internet medium or in order to reduce installation cost or change setting of the timer from the outside of the house easily (col. 1, lines 27-45).

Regarding claims 53- 55, the limitations correspond to the limitations of claims 48-50, and are analyzed as discussed with respect to the rejection of claims 48-50.

Regarding claim 64, the limitations of the method that correspond to the limitations of the system as claimed in claim 41 are analyzed as discussed with respect to the rejection of claim 41. E208 further teaches local tuning space (storage devices 31, 32) for recording the program. E762 further discloses collecting the information relating to the user during the translation of the token in order to provide it to a provider of the at least one audio and/or visual program (interpreted as program guide server monitoring usage of program guide or advertising, monitoring selected program, record the viewing histories of users, etc. col. 12, lines 35-50, col. 19, lines 10-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 with the teaching as further taught by E762 in order to more accurately target advertisements or recommend programs (col. 19, lines 25-30).

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Regarding claims 65-66,69-70, the additional limitations as claimed correspond to the additional limitations as claimed in claims 43-44,48-49, and are analyzed as discussed with respect to the rejection of claims 43-44, 48-49.

Regarding claim 71, E208 in view of E762 and Hirata discloses a system as discussed in the rejection of claim 64. E208 further discloses all functions are performed by using computer software (par. 0073). Inherently, the computer readable medium having computer executable instructions for performing the method of claim 64.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Russo (US 5,619,247) discloses stored program pay per play.

Gordon et al. (US 5,920,700) discloses system for managing the addition/deletion of media assets within a network based on usage and media asset metadata.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

October 24, 2006

A handwritten signature in black ink, appearing to be 'SPH' followed by a stylized flourish, with a long horizontal line underneath.